

Volume 1 of 1 - Defendants' Redacted Documents - September 12, 2011 Production

x = no redaction

TAB	BATES START or ITEM ID	PRIVILEGE	SOURCE	CHALLENGE #	COURT RULING
1	05037428 05037429-x 05037430 461583	Atty-Client Atty-Client Non-Privileged Atty-Client	Jacobi, Dan Jacobi, Dan Jacobi, Dan; Cosgrove, Dan	31	P NP NP (confessed) P
2	03190875	Atty-Client	Cosgrove, Dan	84	P
3	03190876 03190877 03190878	Atty-Client Atty-Client Atty-Client	Jacobi, Dan; Cosgrove, Dan Jacobi, Dan; Cosgrove, Dan Jacobi, Dan; Cosgrove, Dan	85	P P P
4	03191261 03191262	Atty-Client; Work Product Atty-Client; Work Product	Jacobi, Dan Jacobi, Dan	87	P; NWP P; NWP
5	03851860 03851861 03851862	Atty-Client; Work Product Atty-Client; Work Product Atty-Client; Work Product	Estrin, Barry; Jacobi, Dan Estrin, Barry; Jacobi, Dan Estrin, Barry; Jacobi, Dan	88	P P P
6	05002937-x 05002938	Atty-Client Atty-Client	Cosgrove, Dan Cosgrove, Dan	89	NP P
7	05034646 05034647	Atty-Client; Work Product Atty-Client; Work Product	Cosgrove, Dan Cosgrove, Dan	90	P P
8	05034733 05034734 - 05034773	Atty-Client Non-Privileged	Jacobi, Dan	91	P

9	05034774 ¹ 05034775	Atty-Client Atty-Client	Rice, Vernon Rice, Vernon	92	<i>see fn 1</i>
10	05037065 05037066	Atty-Client; Work Product Non-Privileged	Estrin, Barry	93	P; NWP
11	05037067	Atty-Client; Work Product	Estrin, Barry	94	P; NWP
12	05037068 05037069-x 05037070 05037071 05037072	Atty-Client; Work Product Atty-Client; Work Product Non-Privileged Non-Privileged Non-Privileged	Estrin, Barry Estrin, Barry	95	P; NWP NP; NWP
13	05037426 05037427 461390	Atty-Client Non-Privileged Atty-Client	Jacobi, Dan Jacobi, Dan; Costrove, Dan	96	NP: 1 P
14	62476047 62476048 62476049 62476050 62476051 62476052 62476053	Non-Privileged Non-Privileged Atty-Client Atty-Client Atty-Client Atty-Client Atty-Client	Jacobi, Dan Jacobi, Dan Jacobi, Dan Jacobi, Dan Jacobi, Dan Jacobi, Dan Jacobi, Dan	97	NP: 1 NP: 1 NP: 1 NP: 1 NP: 1 NP: 1 NP: 1
15	62495834 62495835 62495836	Non-Privileged Atty-Client Atty-Client	Cosgrove, Dan Cosgrove, Dan	100	P P

¹Document No. 05034774 - P.

March 16, 2002 email at 7:04 p.m. - P.

March 18, 2002 email at 2:39 p.m. - NP: 1.

Volume 1 of 2 - Defendants' Privileged Documents - September 12, 2011 Production

TAB	FAMILY ID	PRIVILEGE	SOURCE	CHALLENGE #	COURT RULING
1	14141	Atty-Client	Morrissey, Bruce	1	P
2	15024	Atty-Client; Work Product	Mohr, Dean	2	P
3	13677	Atty-Client	Holley, Dana	3	NP: 1, 3
4	49605	Atty-Client	Foutch, Louise	4	P
5	90017	Atty-Client	Johnson, Chad	5	P
6	240853 ¹	Atty-Client	Jacobi, Daniel	6	<i>see fn 1</i>
7	265377	Atty-Client	Callistein, Steve	7	P
8	265656	Atty-Client	Foutch, Steve	8	P
9	355021	Atty-Client	Foutch, Louise	9	P
10	355054	Atty-Client	Cosgrove, Dan	10	P
11	355109	Atty-Client	Miller, Justin	11	P
12	355203	Atty-Client	Estrin, Barry	12	P
13	355392	Atty-Client	Jacobi, Daniel	13	P
14	355414	Atty-Client	Cosgrove, Dan	14	P
15	355421	Atty-Client	Cosgrove, Dan	15	P
16	355439	Atty-Client	Cosgrove, Dan	16	P
17	355468	Atty-Client	Cosgrove, Dan	17	P
18	355498	Atty-Client	Jacobi, Daniel	18	P
19	355519	Atty-Client	Cosgrove, Dan	19	P
20	356425	Atty-Client	Miller, Justin	20	P

¹Defendants must provide additional information as to Document No. 240853.

“Attachments” include “Corn Analysis - Feb 2002.xls; Soybean Analysis - Feb. 2002.xls.” The other single attachment is Document No. 291325 which obviously only applies to corn. Unless Defendants can show that Document No. 291325 is the document mentioned in the “Attachments,” the court will conclude that Document No. 240853 is not privileged. NP: 1.

21	359079	Atty-Client	Schoenthal, Allison	21	P
22	364789	Atty-Client	Cosgrove, Dan	22	P
23	364803	Atty-Client	Cosgrove, Dan	23	P
24	364826	Atty-Client	Cosgrove, Dan	24	P
25	366856	Atty-Client	Cosgrove, Dan	25	P

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TAB	FAMILY ID	PRIVILEGE	SOURCE	CHALLENGE #	COURT RULING
26	383791	Atty-Client	Cosgrove, Dan	26	P
27	413716	Atty-Client	Foutch, Louise	27	P
28	438185 ¹	Atty-Client	Cosgrove, Dan	28	<i>see fn 1</i>
29	438188	Atty-Client	Gorsche, Jim	29	P
30	438220	Atty-Client	Edgar, Cassie	30	P
31	480153	Atty-Client	Jacobi, Dan	32	P
32	548098	Atty-Client	Jacobi, Dan	33	P
33	549379	Atty-Client	Cosgrove, Dan	34	P
34	551226	Atty-Client	Mohr, Dean	35	P
35	551227	Atty-Client	Mohr, Dean	36	P
36	551832	Atty-Client	Foutch, Louise	37	P
37	567260	Atty-Client	Jacobi, Dan	38	P
38	574094 ²	Atty-Client	Jacobi, Dan	39	<i>see fn 2</i>
39	576256	Atty-Client	Jacobi, Dan	40	P
40	585747	Atty-Client	Cosgrove, Daniel	41	P
41	620092	Atty-Client	Jacobi, Dan	42	P
42	623933	Atty-Client; Work Product	Estrin, Barry	43	P

¹The January 9, 2009 email is privileged. - P.

Attached documents 463467 and 463468 are privileged. - P.

Document No. 463469 is in a different format not identified in the subject as an attachment. Defendants must offer proof to the Court within ten (10) days that this document was originally part of the e-mail chain or it will be ruled not privileged.

²The February 24, 2009 email is privileged. - P.

It does not appear that Document No. 588779 is the intended attached number, based on information contained on that document as referenced by the email and the page reference. The attachment 588779 is ruled not privileged. - NP.

43	623948	Atty-Client	Jacobi, Dan	44	P
44	623958	Atty-Client	Jacobi, Dan	45	P
45	624086	Atty-Client	Estrin, Barry	46	P
46	624554	Atty-Client	Cosgrove, Daniel	47	P
47	627741	Atty-Client	Rowe, Jeff	48	NP: 1
48	656515	Atty-Client	Jacobi, Dan	49	P
49	670230	Atty-Client; Work Product	Jacobi, Dan	50	P
50	670237	Atty-Client	Jacobi, Dan	51	P
51	673864 ³	Atty-Client	Jacobi, Dan	52	<i>see fn 3</i>
52	680981	Atty-Client; Work Product	Cosgrove, Daniel	53	P NWP
53	680987	Atty-Client	Jacobi, Dan	54	P
54	1072979	Atty-Client	Mohr, Dean	55	P
55	1074672	Atty-Client	Mohr, Dean	56	P
56	1276299	Atty-Client	Jacobi, Dan	57	NP: 1, 3
57	1534813	Atty-Client	Cosgrove, Dan	58	P
58	1678054	Atty-Client	Jacobi, Dan	59	NP: 1, 3
59	1939670	Atty-Client	Foutch, Louise	60	P
60	1944913	Atty-Client	Smith, Steven	61	P
61	15417 ⁴	Atty-Client	Jacobi, Dan	62	<i>see fn 4</i>
62	94696	Atty-Client	Mohr, Dean	63	P
63	2708141	Atty-Client	Johnson, Chad	64	P

³March 29, 2008 email at 2:24 p.m. - NP 1, 3.

March 30, 2008 email at 10:07:41 - P.

March 30, 2008 email at 11:46 a.m. - P.

March 30, 2008 email at 6:10 p.m. - P.

⁴February 28, 2008 email at 5:35 a.m. - NP: 1, 3.

February 28, 2008 email at 2:21 p.m. - P.

64	2760079	Atty-Client	Johnson, Chad	65	P
65	2958761	Atty-Client	Foutch, Louise	66	P
66	2959984	Atty-Client	Cosgrove, Dan	67	P
67	298892 ⁵	Atty-Client	Jacobi, Dan	68	<i>see fn 5</i>
68	3054361	Atty-Client	Rowe, Jeff	69	P
69	3560044 ⁶	Atty-Client	Foutch, Louise	70	<i>see fn 6</i>
70	11961684	Atty-Client	Edgar, Cassie	71	P
71	11966629	Atty-Client	Mohr, Dean	72	NP: 1
72	11966804	Atty-Client	Edgar, Cassie	73	P
73	12054166	Atty-Client; Work Product	Cosgrove, Dan	74	P
74	12054231	Atty-Client	Cosgrove, Dan	75	P
75	12373527	Atty-Client; Work Product	Edgar, Cassie	76	P
76	12517524 ⁷	Atty-Client	Foutch, Louise	77	<i>see fn 7</i>
77	14540540	Atty-Client	Sager, Thomas	78	P
78	14559501	Atty-Client	Jacobi, Dan	79	NP: 1, 3
79	24706910	Atty-Client	Edgar, Cassie	80	P

⁵March 29, 2008 email at 2:24 p.m. - NP: 1, 3.

March 30, 2008 email at 10:07:41 - P.

March 30, 2008 email at 11:46 a.m. - P.

March 30, 2008 email at 1:10 p.m. - P.

March 30, 2008 email at 11:26 p.m. - P.

⁶January 17, 2008 email at 1:31 p.m. - NP: 1, 3.

January 17, 2008 email at 2:33 p.m. - NP: 1, 3.

February 11, 2008 email at 8:59 a.m. - P.

February 11, 2008 email at 3:12 p.m. - P.

⁷March 15, 2002 email at 8:19 a.m. - NP: 1, 3.

March 15, 2002 email at 8:45 a.m. - NP: 1, 3.

March 15, 2002 email at 9:51 a.m. - P.

March 15, 2002 email at 5:42 p.m. - P.

80	MONP0003480	Atty-Client	Pioneer Legal	81	NP: 1, 3
81	MONP0146183	Atty-Client	Cosgrove, Daniel	82	NP: 1
82	344828	Atty-Client	Cosgrove, Daniel	83	P
83	673862 ⁸	Atty-Client	Jacobi, Dan	86	<i>see fn 8</i>
84	1968705	Atty-Client	Pioneer Legal	98	NP: 1, 3
85	3055727	Atty-Client	Cosgrove, Dan	99	NP: 1

⁸March 29, 2008 email at 2:24 p.m. - NP: 1, 3.

March 30, 2008 email at 10:07:41 - P.

March 30, 2008 email at 4:45:56 - P.